



## **Frequently Asked Questions: EADs for Afghans**

**Nov. 3, 2022**

### **What is the validity period of EADs for Afghan parolees?**

Afghans paroled into the U.S. pursuant to Operation Allies Welcome (OAW) were in most cases granted parole for a two-year period. They were also issued employment authorization documents (EADs) valid for the duration of the parole period. Because most Afghans evacuated pursuant to OAW entered the United States in August and September 2021, they now have less than a year left on their EAD.

### **Will Afghan parolees be eligible to renew their EADs in category (c)(11)?**

At this point, it is not clear whether U.S. Citizenship and Immigration Services (USCIS) will announce a re-parole process for Afghan nationals. Until such time as USCIS announces a re-parole process, Afghans will not be able to renew their EADs in their current (c)(11) category (for those granted section 212(d)(5) parole under the Immigration and Nationality Act). The (c)(11) category is also not one that allows for automatic extensions under the current regulations. This means that applicants must have a valid EAD in hand to avoid a gap in their employment.

### **What steps must Afghan parolees take to maintain employment authorization?**

Afghan parolees must consider other options to maintain their ability to work lawfully in the United States. Because Afghan parolees at this point do not qualify for automatic extensions of their work authorization, it is critical that they began planning **months** in advance of the expiration of their current EAD.

### **What other options are available for Afghan parolees?**

Many Afghan parolees are pursuing long-term options, such as asylum and adjustment of status, to put them on the path to permanent residency and ultimately U.S. citizenship. However, for those who have not yet started either the

asylum or adjustment of status process, Temporary Protected Status (TPS) is a good back-up option.

### **What are the advantages of filing for TPS?**

Filing for TPS is a relatively straightforward way to ensure that Afghans can have employment authorization and protection from deportation. TPS has historically been extended for many countries, so there is a good chance that TPS will be extended for Afghans beyond the initial 18-month designation period that began on May 20, 2022, and runs through November 20, 2023. In addition, TPS holders under the regulations may receive automatic extensions of employment authorization if they timely file while parolees currently may not.

### **What are the disadvantages of filing for TPS?**

There is generally no downside to applying for TPS. TPS is not a permanent status, but it can be pursued in conjunction with other, more permanent forms of relief.

While TPS applications have associated filing fees, fee waivers are available if filed on Form I-912 along with documentation establishing one of the three bases for a fee waiver:

- Receipt of a means-tested benefit;
- Income at or below 150% of the federal poverty guidelines; or
- Financial hardship.

Since many Afghans are eligible for and currently receiving means-tested benefits, documenting a fee waiver request should be relatively straightforward. Fee waiver requests must be filed together with Forms I-821 and I-765 through the mail.

### **When should an Afghan national file for TPS?**

Given lengthy posted processing times for TPS applications, it is recommended that Afghan nationals interested in applying for TPS do so **as soon as possible** so that they can continue working without interruption.

For more information on Afghans and TPS, including the eligibility criteria, see <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure-5>.